

AUG-07-2007 12:02

NIXON PEABODY

AUG 07 2007

3124253909 P.01

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<b>Comments:</b>			
Please see the attached REQUEST FOR CORRECTION OF FILING RECEIPT for U.S. Patent Application Serial No. 10/590,531.			

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From: John C. Gatz	Date: August 7, 2007	No. of Pages: (including this page) 9	Client/Matter: 247082-000090USPX
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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## National Phase Filing of

International Application No. PCT/US2005/003621

Serial No. : 10/590,531  
 Applicants : Rex J. Kuriger and Andrew J. Dosmann  
 PCT Filing : February 4, 2005  
 Date :  
 Title : METHOD AND APPARATUS FOR MEASURING AN  
           ANALYTE IN A BODY FLUID  
 TC/A.U. : 3736  
 Examiner : Unassigned  
 Docket No. : 247082-000090USPX (MSE-2685)

Commissioner for Patents  
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37 C.F.R. 1.8

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REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

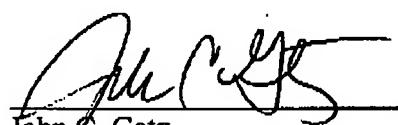
Attached is a copy of the Filing Receipt received from the PTO in connection with the application identified above for which issuance of a corrected Filing Receipt is respectfully requested. The errors contained on the receipt is circled and summarized below.

<u>Error In</u>	<u>Filing Receipt Data</u>	<u>Correct Data</u>
Applicant(s)	Rex J. Kuriger, Residence Not Provided	Rex. J Kuriger, Granger, Indiana (Per Declaration & Priority PCT Application)
Applicant(s)		Andrew J. Dosmann, Granger, Indiana (Per Declaration & Priority PCT Application)
Domestic Priority Data As Claimed By Applicant		This application claims benefit of 60/542,363 filed February 6, 2004 (Per Preliminary Amendment filed August 24, 2006 and Priority PCT Application)

10680343.1  
247082-000090USPX

A marked-up copy of the Official Filing Receipt, a copy of the Declaration filed August 24, 2006, a copy of the cover page of priority PCT Application Serial No. PCT/US2005/003621 (PCT Publication No. WO 2005/077274 A1) are attached and issuance of a Corrected Official Filing Receipt is requested. Since the errors were made in the U.S. Patent & Trademark Office, it is not believed any fees are required. The Commissioner is authorized to charge any fees which may be required to Nixon Peabody Deposit Account No. 50-4181 (247082-000090USPX).

Respectfully submitted,



John C. Gatz  
Registration No. 41,774  
NIXON PEABODY LLP  
161 N. Clark Street, Ste. 4800  
Chicago, Illinois 60601  
Attorney for Applicant

Date: August 7, 2007

AUG-07-2007 12:02

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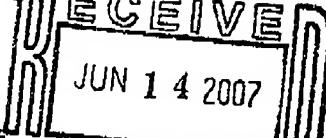
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLMS	IND CLMS
10/590,531	08/24/2006	3736	1200	47082-090USPX	32	3



53651  
BAYER HEALTHCARE, LLC  
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TARRYTOWN, NY 10591

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INIT. 18 DATE: 6/14/07  
ACTION P/R DATE: 6/14/07

FILING RECEIPT



Date Mailed: 06/05/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Rex J. Kuriger, Residence Not Provided, **GRANGER, INDIANA**  
ANDREW J. OESMANN, **GRANGER, INDIANA**

Power of Attorney: The patent practitioners associated with Customer Number 53651.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US05/03621 02/04/2005  
**THIS APPLICATION CLAIMS BENEFIT OF 60/542,363 02/06/2004**

Foreign Applications

If Required, Foreign Filing License Granted: 06/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/590,531**

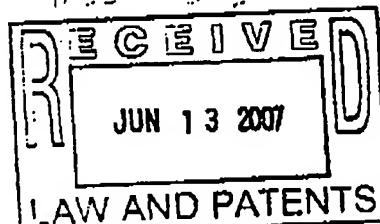
Projected Publication Date: 09/13/2007

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for measuring an analyte in a body fluid



Preliminary Class  
600

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR MEASURING AN ANALYTE IN A BODY FLUID

The specification of which

(check one)

is attached hereto.

was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

			Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional applications(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose

material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Andrew L. Klawitter, Reg. No. 26,557  
 John M. Paolino, Reg. No. 40,340  
 Mark A. Seka, Reg. No. 44,330

Julie L. Cheng, Reg. No. 33,848  
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Address all correspondence to:  
Elizabeth A. Levy, Esq., Bayer Healthcare LLC, P. O. Box 40, Elkhart, IN 46515-0040 USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor REX J. KURIGER

Inventor's signature Rex J. Kuriger 1/29/04  
 (Date)

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Citizenship United States of America

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Full name of second joint inventor, if any ANDREW J. DOSMANN

Inventor's signature Andrew J. Dosmann 2-2-04  
 (Date)

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Citizenship United States of America

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## (12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization International Bureau

(43) International Publication Date  
25 August 2005 (25.08.2005)

PCT

(10) International Publication Number  
WO 2005/077274 A1(51) International Patent Classification<sup>7</sup>:

A61B 5/15

(21) International Application Number:

PCT/US2005/003621

(22) International Filing Date: 4 February 2005 (04.02.2005)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
60/542,363 6 February 2004 (06.02.2004) US(71) Applicant (for all designated States except US): BAYER  
HEALTHCARE LLC [US/US]; 1884 Miles Avenue, P.O.  
Box 40, Elkhart, Indiana 46514-0040 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): KURIGER, Rex  
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46530 (US); DOSMANN, Andrew, J. [US/US]; 50607  
Cherry Road, Granger, Indiana 46530 (US).(74) Agents: GATZ, John, C. et al.; Jenkins & Gilchrist, a  
Professional Corporation, 225 W. Washington Street, Suite  
2600, Chicago, Illinois 60606-3418 (US).(81) Designated States (unless otherwise indicated, for every  
kind of national protection available): AE, AG, AL, AM,  
AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN,  
CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI,  
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## Declaration under Rule 4.17:

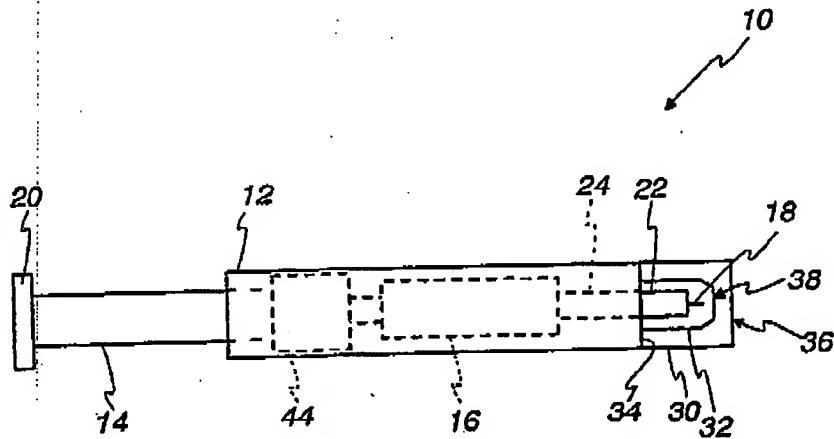
— as to the applicant's entitlement to claim the priority of the  
earlier application (Rule 4.17(iii)) for all designations

## Published:

— with international search report

For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.

(54) Title: METHOD AND APPARATUS FOR MEASURING AN ANALYTE IN A BODY FLUID



WO 2005/077274 A1

(57) Abstract: An apparatus and method for analyzing an analyte in a body fluid sample using a lancing device (10) having a hollow lancet are disclosed. According to one embodiment, the method comprises the acts of lancing the skin of a test subject with the hollow lancet (18) having an interior of the hollow lancet (18) that forms a capillary channel, collecting a body fluid sample from the lanced skin in the capillary channel of the hollow lancet (18), and analyzing the body fluid sample for determining the analyte concentration in the body fluid sample while the collected body fluid sample remains in the lancet (18).